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PATENT

Docket No. P1283

**IN THE  
UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS: CHAK LEUNG  
KENT LEUNG  
HOWIE TRANG  
DAR-QWEI (DAVID) FUH  
STANLEY YU

SERIAL NO.: 09/811,834

EXAMINER: UNKNOWN

FILED: MARCH 16, 2001

ART UNIT: 2873

FOR: REFLECTOR ASSEMBLIES FOR  
OPTICAL CROSS-CONNECT AND  
SWITCHES FABRICATED THEREFROM

**BOX DAC  
COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231**

**REQUEST FOR RECONSIDERATION OF  
PETITION UNDER 37 C.F.R. §1.47(a)**

Dear Sir:

In response to the Decision Refusing Status Under 37 C.F.R. §1.47(a) mailed on January 11, 2002, from the Office of Petitions, Applicants respectfully request reconsideration of the Petition in view of the information submitted herein.

**As to Item 1**

The Examiner states that the petition as originally filed "lacks any supporting evidence that non-signing inventor was ever presented with a copy of the application papers (specification, claims and drawings), or, having been present with the application papers, refuses to sign the oath or declaration" The Applicants' herewith submit evidence of the

inventor's refusal to join in the application in compliance with the Petitions Examiner's suggestions.

On February 6, 2002, Applicants' attorney of record mailed to the non-signing inventor, Mr. Howie Trang, the Supplemental Declaration and Power of Attorney for Patent Application, copy of the patent application as filed on March 16, 2001, which included the specification, claims, drawings and abstract. The aforementioned items were mailed with a cover letter of instructions requesting that the signed documents be returned no later than February 28, 2002, via Certified Return Receipt Requested and addressed as follows: Mr. Howie Trang, 3767 Masters Court, San Jose, California 95138, this is the last known address that Applicants' attorneys had for Mr. Trang. (A copy of the letter with enclosures is attached hereto as Exhibit A).

As to Howie Trang's last known address, on December 20, 2001, a letter was sent to Mr. Trang via Certified Mail at 3767 Masters Court, San Jose, California 95138. On December 28, 2001 we received a certified mail return receipt signed by Mr. Trang verifying his receipt at this address. (A copy of the letter and return receipt are attached hereto as Exhibit B).

On February 27, 2002, Applicants' attorneys received the Certified Mail package of documents back from the U.S. Postal Service marked "Unclaimed" and indicating delivery attempts made on February 8, 2002, February 14, 2002 and February 23, 2002. This verifies that Applicants' attorney has made a diligent effort to provide Mr. Trang with copies of the Supplemental Declaration and Power of Attorney, specification, claims, drawings and abstract. (A copy of the Certified Mailing envelope indicating delivery attempts by the U.S. Postal Service is attached hereto as Exhibit C).

#### **As to Item 2**

Applicants have provided proof herein that the omitted inventor's, conduct constitutes a refusal to sign as set forth in MPEP 409.03(d) and detailed in the Examiner's decision on the §1.47(a) petition. Applicants have shown that: 1) A diligent effort has been made to provide the non-signing inventor with copies of the Supplemental Declaration and Power of Attorney, specification, claims, drawings and abstract.

Applicants herein enclose a Supplemental Declaration and Power of Attorney listing non-signing inventor, Howie Trang, and signed by all other inventors. An additional copy of

said Supplemental Declaration and Power of Attorney are enclosed herewith to be filed in this matter. (See Exhibit D).

### CONCLUSION

In view of the filing date of the application, March 16, 2001, and the unlikeliness that Mr. Howie Trang will execute and return the documents required for filing the present patent application, and having met the requirements as indicated in the Examiner's decision on the Petition, the co-inventors and their Assignee, Blue Sky Research, respectfully request reconsideration and granting of their Petition Under 37 C.F.R. §1.47(a).

Respectfully submitted,



Victor Flores

Reg. No. 29,638

VF/rm  
March 11, 2002  
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